

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: PETROVIC et al.
Title: APPARATUS AND METHOD FOR
EMBEDDING AND EXTRACTING
INFORMATION IN ANALOG SIGNALS
USING DISTRIBUTED SIGNAL FEATURES
AND REPLICA MODULATION
Appl. No.: 10/763,288
Filing Date: 1/26/2004
Examiner: Paul E. Callahan
Art Unit: 2437
Confirmation Number: 6479

REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT
UNDER 37 C.F.R. §1.705

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants respectfully request reconsideration of the patent term adjustment (PTA) of 73 days as indicated on the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) mailed on January 9, 2009. The total PTA should be adjusted by an additional 877 days, for a total of **950 days**, as determined below.

Upon review of the Patent Term Adjustment History using the Patent Application Information Retrieval (PAIR) database, it is noted that Applicants should be credited an additional 605 days for USPTO delay beyond January 26, 2007 (the end of the three-year pendency period) through the date of the filing of a Request for Continued Examination on September 22, 2008. The additional 605 days of PTA are derived as follows.

Further, an additional 272 days of PTA should be added due to inaction by the PTO from December 15, 2005 (4 months after the August 15, 2005 response to office action filed by Applicant) until the mailing of another non-final office action on September 13, 2006. While a final office action was issued on November 3, 2005, that office action was withdrawn by the Examiner pursuant to an Examiner Interview conducted on December 20, 2005, a summary of which is attached hereto as Exhibit A. No action was taken by the Examiner until the mailing of the office action on September 13, 2006.

Therefore, PTA credited to Applicants properly accrues for the period of time beginning 4 months following the filing of the response on August 15, 2005 (i.e., December 15, 2005) and ending with the mailing of the office action on September 13, 2006. Therefore, because the entire delay during that period of time is solely attributable to PTO inaction, an additional 272 days of PTA should be properly credited to Applicants.

Therefore, the net Patent Term Adjustment should be **950 days**, based on 73 days already acknowledged on PAIR, plus 877 days as noted above (605 days plus 272 days). Accordingly, it is respectfully requested that the total patent term adjustment of **950 days** be issued in favor of the Applicant. This patent is not subject to a terminal disclaimer.

It is further requested that the fee of \$200.00 be waived in light of the above circumstances. However, if the Patent Office determines that the fee is required, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

In the event any matters remain to be resolved in view of this communication, the Examiner is encouraged to call the undersigned so that a prompt disposition of this application for patent term adjustment can be achieved.

Respectfully submitted,

Date 6 April 2009

By /Sanjeev K. Dhand/

FOLEY & LARDNER LLP
Customer Number: 30542
Telephone: (858) 847-6860
Facsimile: (858) 792-6773

Sanjeev K. Dhand
Attorney for Applicant
Registration No. 51,182

EXHIBIT A

to

**REQUEST FOR RECONSIDERATION OF PATENT TERM
ADJUSTMENT UNDER 37 C.F.R. §1.705**

Interview Summary

Application No.

10/763,288

Applicant(s)

PETROVIC, RADE

Examiner

Paul Callahan

Art Unit

2137

All participants (applicant, applicant's representative, PTO personnel):

(1) Paul Callahan.

(3) _____.

(2) Douglas McAllister.

(4) _____.

Date of Interview: 20 December 2005.Type: a) ☒ Telephonic b) ☐ Video Conferencec) ☒ Personal [copy given to: 1) ☐ applicant 2) ☒ applicant's representative]Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.

If Yes, brief description: _____.

Claim(s) discussed: 1 and 20.Identification of prior art discussed: Leighton US 5,949,885.Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Discussion centered on whether Leighton teaches a plurality of watermarks having offset from one another in a single host signal or if the reference only teaches a single copy of the watermark per host signal. Examiner agreed to lift the finality of the prior Office Action and issue a new Action applying new art.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THE INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Paul Callahan
Examiner's signature, if required